

ORDINANCE NO. 2021-O-013

AN ORDINANCE OF THE CITY OF BLANCO, TEXAS, REGULATING THE USE OF RAINWATER HARVESTING SYSTEMS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of Blanco, Texas wishes to encourage the use of rainwater harvesting systems so as to preserve natural resources and limit the use of potable water for applications where non potable water is adequate; and

WHEREAS, the City Council of Blanco, Texas wishes to protect the City's water system from potential cross-contamination from improperly installed or maintained rainwater harvesting systems; and

WHEREAS, as authorized under law, and in the best interest of the citizens of Blanco, Texas, the Mayor and City Council deem it expedient and necessary to adopt regulations regarding the use of rainwater harvesting systems.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BLANCO, TEXAS:

Sec. 1. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air gap means a complete physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel.

Backflow prevention means the mechanical prevention of reverse flow, or back siphonage, of non-potable water from an irrigation system into the potable water source.

Backflow prevention assembly means any assembly used to prevent backflow into a potable water system. The type of assembly used is based on the existing or potential degree of health hazard and backflow condition.

Catchment surface means the collection surface from which rainfall runs off.

Debris means any visible contaminant including leaves and twigs, dust and dirt, bird and animal droppings, insects, and other visible material.

Debris excluder means any screening component such as a first-flush diverter, leafscreen, roof washer, or other similar device that is designed to prevent debris and sediment from entering the storage tank of a rainwater harvesting system.

Non potable water means untreated water that is unsafe for human consumption.

Potable water means water that is suitable for human consumption.

Rainwater harvesting system means any system used for the capture, storage, and distribution of untreated rainwater from a rooftop catchment surface or from precipitation captured directly from the sky to be used for outdoor landscape irrigation or foundation watering.

Reduced pressure principle backflow prevention assembly means an assembly containing two independently acting, approved check valves together with a hydraulically operating mechanically independent pressure differential relief valve located between the two check valves and below the first check valve.

Storage tank means any tank, cistern, rain barrel, or container used to collect harvested rainwater.

Sec. 2 Notification Requirements.

Pursuant to Chapter 30 of the Texas Administrative Code, section 290.44, a person who intends to connect a rainwater harvesting system to the City of Blanco water system must provide written notification of that intention to the Blanco Public Works & Utilities. Notification may be provided via mail or email to the following address:

City of Blanco Public Works & Utilities
Attn: Director of Public Works
P.O. Box 750
Blanco, Texas 78606
publicworksdirector@cityofblanco.com
cc: cityadmin@cityofblanco.com

Sec. 3. Valid License Required.

- (1) Pursuant to Chapter 30 of the Texas Administrative Code, section 290.44, any rainwater harvesting system that connects to the City's potable water supply must be installed and maintained by a master plumber or journeyman plumber licensed by the Texas State Board of Plumbing Examiners and who has been endorsed as a Water Supply Protection Specialist.
- (2) A property owner is not required to be licensed if he or she is installing a rainwater harvesting system on premises owned and occupied by the person as the person's home, and if the rainwater harvesting system is not being connected to the City's potable water system or used for potable purposes.

Sec. 4. Permit Requirements.

- (1) Permits are required if the rainwater harvesting system meets one or more of the following criteria:
 - (a) A plumbing permit is required If the system will be plumbed:
 - i. to receive makeup water from a potable water source; or
 - ii. to a household water system that is connected to the City's potable water system.
 - (b) If electrical components such as pumps are hard-wired into the electrical system, or additional circuits or wiring are added, an electric permit is required.
 - (c) A plumbing permit is not required for an irrigation system that is not connected to the City's potable water system.
- (2) Adequate plans and specifications, as determined by the City Engineer and Public Works Director, must accompany each application for a permit. Additional permits may be required as set forth in the City's Unified Development Code. To determine if additional permits are needed, please contact Public Works at (830) 833-4525.

Sec. 5. Backflow Protection Requirements.

- (1) Use of alternative water sources on premises connected to the City water system presents the potential for contamination of the potable water supply if backflow occurs. Use of additional water sources (such as rainwater) on properties connected to the City potable water supply may require installation of a reduced pressure zone (RPZ) backflow assembly at the potable water meter. RPZ backflow assemblies must be tested upon installation and annually by a certified Backflow Protection Assembly Tester (BPAT), and the test results must be provided to the City of Blanco Public Works department within ten working days.
- (2) If the City potable water system will provide makeup supply to the rainwater system, it may be connected only to the rainwater storage tank and not to the plumbing of a structure. A backflow prevention assembly or an air gap must be installed at the rainwater storage tank to ensure a physical separation between the rainwater system and the public water system.

Sec. 6. Construction, Installation and Maintenance Standards.

- (1) All rainwater harvesting systems shall be constructed, installed, and maintained in accordance with state and federal laws, City of Blanco Code of Ordinances and applicable laws and building regulations, and manufacturer specifications. Rainwater harvesting systems must be maintained as follows:
 - (a) May not create a public health hazard or nuisance to the general public;
 - (b) Must be maintained as needed to keep system functioning as designed;
 - (c) Must prevent accumulation of unwholesome, stagnant, or offensive water;
 - (d) Must prevent the attraction and breeding of mosquitoes and other pests;

- (e) May not be used for storage of anything other than water or for any purpose other than its intended purpose as a rainwater harvesting system.

Sec. 7. Storage Tank Standards.

- (1) All tanks and barrels, regardless of size, must meet the following minimum tank standards:
 - (a) Must be covered and vents screened to discourage mosquito breeding;
 - (b) Must be opaque, either upon purchase or painted later, to prevent algae growth;
 - (c) Must never have been used to store hazardous materials;
 - (d) Must be accessible for cleaning and repair;
 - (e) Access openings in excess of 12 inches in diameter must be secured to prevent unintended entry and tampering;
 - (f) Must have an overflow discharge port that directs flow away from foundations and other structures;
 - (g) Must be placed on a stable, level surface that is capable of holding the maximum possible weight when full;
 - (h) Must be labeled "Rainwater – Do Not Drink" or "Non potable Water – Do Not Drink" or similar phrasing that clearly indicates the water is not suitable for human consumption.

Sec. 8. Rebates and Incentives.

- (1) Section 151.355 of the Texas tax Code exempts rainwater harvesting equipment and supplies from state sales tax. To claim this exemption, the purchaser must furnish a Texas Sales and Use Tax Resale/Exemption Certification, Form 01-339, to the supplier of the equipment at the time of purchase. The form is available at:
<https://comptroller.texas.gov/taxes/sales/forms/index.php>.
- (2) Blanco County residents may be eligible to receive property tax exemptions for all or part of the assessed value of a property on which water conservation initiatives, such as rainwater systems, have been implemented. To claim an exemption, contact Blanco County Appraisal District.

Sec. 9. Exemption From Drought Rules.

- (1) Use of alternative water sources such as rainwater are exempt from City of Blanco drought regulations unless the rainwater systems are supplemented with or receive makeup water from the City's potable water supply. Rainwater harvesting systems connected to the City's water system will be assumed to be using City potable water and will be subject to the drought rules. For more information on current drought restrictions go to:
<https://www.cityofblanco.com/water>.

Sec. 10. Additional Resources.

Texas Administrative Code Section 290.44(j), Water Distribution
Texas Health and Safety Code, Section 341.02, Standards for Harvested Rainwater
Texas Property Code, Section 202.007, Certain Restrictive Covenants Prohibited
Texas Manual on Rainwater Harvesting:

http://www.twdb.texas.gov/publications/brochures/conservation/doc/RainwaterHarvestingManual_3rdedition.pdf

Harvesting, Storing and Treating Rainwater for Domestic Indoor Use:

http://rainwaterharvesting.tamu.edu/files/2011/05/gi-366_2021994.pdf

Texas Water Development Board Rainwater Harvesting FAQs:

<http://www.twdb.texas.gov/innovativewater/rainwater/faq.asp>

Rainwater Harvesting Potential and Guidelines for Texas:

<http://www.twdb.texas.gov/innovativewater/rainwater/doc/RainwaterCommitteeFinalReport.pdf>

Sec. 11. Repealer.

- (1) All provisions of the ordinances of the City of Blanco in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Blanco not in conflict with the provisions of this ordinance shall remain in full force and effect.

Sec. 12. Severability.

- (1) Should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of any other City ordinance.

Sec. 13. Offenses.

- (1) Any person who violates a provision of this ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

Sec. 14. Publication.

- (1) The City Secretary of the City of Blanco is hereby directed to publish the caption, penalty clause, publication clause and effective date of this ordinance in one issue of the official newspaper of record in Blanco County, which is a weekly publication.

Sec. 15. Effective Date.

- (1) This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law provides.

DULY PASSED by the City Council of the City of Blanco, Texas, on the 9
day of November, 2021.

APPROVED:

Rachel Lumpsee
MAYOR, Rachel Lumpsee

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

CORRECTLY ENROLLED:

Laurie Cassidy
CITY SECRETARY, Laurie Cassidy

